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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/375,767	08/17/1999	DAVID P. SCHNEIDER	DPS*1	5564

7590

12/12/2001

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EXAMINER

LEVY, NEIL S

ART UNIT

PAPER NUMBER

1616

DATE MAILED: 12/12/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1616

Receipt is acknowledged of amendments of 3/2/01, supplemental amendment of 6/21/01 and letter of 8/6/01.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 12-24 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 3.

Claims 25-45 are now in the case, claims 1-11 having been canceled. The amendments requested of 3/2/01, signed on 3/1/01 by applicant have been entered in part. On page 4 of the amendment, the instruction beginning with "page 4", though line 5 of page 7, have not been entered, as we did not know where to begin insertion. The entries were made to accommodate applicants, however, the new rules require the re-writing of a complete paragraph to include added or deleted material. Thus, the original material would be deleted paragraph by paragraph. The clean copy must be accompanied by a copy showing the original language with the interspersed deletions indicated with brackets, and additions indicated by underlining. Applicant is presumed to have attempted to meet these requirements by submission of the supplemental amendment of 6/21/01. However, we are not certain of this.

At first glance, it is not clear that new matter has not been added. The 6/21/01 amendment has not been entered, as it is unclear where to enter.

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In the 3/2/01; initially, the statement that the invented chemical conglomerates were used in open sea tests (Page 2, background, first 4 sentences, of applicants submission of 3/2/01) appear to preclude allowance--the first of the cited parties states the test was done in 1987! More than a year prior to filing.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

© he has abandoned the invention.

The amendment filed 3/2/01 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the whole of the amended material.

Applicant is required to cancel the new matter in the reply to this Office action.

Claims 25-45 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The material of the claims as dependent upon the matter introduced by amendment to the specification, is not supported by the original specification. The rejections of 12/6/00 will be reinstated as appropriate upon withdrawal of new matter.

An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. While an inventor may prosecute the application, lack of skill in this field

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usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Levy whose telephone number is (703) 308-2412. The examiner can normally be reached on Tuesday to Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees, can be reached on (703) 308-4628. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3592.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Levy:mv

December 3, 2001



NEIL S. LEVY
PRIMARY EXAMINER